

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00062

TERRANCE D. BROCKMAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 5, 2009, the United States of America appeared by J. Christopher Krivonyak, Assistant United States Attorney, and the defendant, Terrance D. Brockman, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a twenty-seven month term of supervised release in this action on August 22, 2008, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 28, 2008.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used cocaine as evidenced by positive urine specimens submitted by him on November 10, 2008, and February 4 and 18, 2009; (2) that the defendant failed to submit a monthly report for the months of March through August, 2009; (3) that the defendant failed to appear in the probation office as instructed on June 19 and July 6, 2009; (4) that the defendant failed to appear for urine screens as directed on November 24 and December 19, 2008; January 8 and 19, March 17, June 22, July 7 and 23, and August 4 and 17, 2009; and (5) that the defendant failed to attend weekly counseling sessions as instructed by the probation officer; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

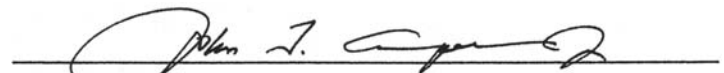
imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIFTEEN (15) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 13, 2009


John T. Copenhaver, Jr.
United States District Judge

